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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Commodity Futures Trading
Commission,

Plaintiff,

v.

Debiex,

Defendant

Zhāng Chéng Yáng,

Relief Defendant

No. CV-24-000117-PHX-DLR

**PLAINTIFF'S MOTION FOR
CLERK'S ENTRY OF
DEFAULT AGAINST
RELIEF DEFENDANT
ZHANG CHENG YANG
PURSUANT TO
FED. R. CIV. P. 55(a)**

1 Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure (“Fed. R. Civ.
2 P.”) Plaintiff Commodity Futures Trading Commission (“CFTC”) hereby requests a
3 clerk’s entry of default against Relief Defendant Zhāng Chéng Yáng (“Zhang”). In
4 support of this request, the CFTC states the following:

6 1. On January 17, 2024, the CFTC filed a one-count complaint against
7 Defendant Debiex, alleging that it engaged in a coordinated scheme to defraud U.S.
8 customers (“Customers”). Doc. 1. The scheme involved the misappropriation of at
9 least \$2.3 million from Customers. *Id.* The Complaint alleges that, by dint of this
10 fraudulent scheme, Debiex violated Section 6(c)(1) of the Commodity Exchange Act,
11 7 U.S.C. § 9(1), and CFTC Regulation 180.1(a)(1), (3), 17 C.F.R. § 180.1(a)(1), (3)
12 (2023). *Id.*

15 2. The CFTC’s Complaint named Zhang as a relief defendant, because, as
16 alleged, he is believed to be acting as a money mule for Debiex. Doc. 1. Zhang owns
17 or otherwise controls a digital asset wallet that received digital assets to which he had
18 no legitimate claim and for which he did not provide any services to Customers. *Id.*

21 3. On March 29, 2024, the CFTC moved this Court for an order of
22 alternative service on Zhang pursuant to Fed. R. Civ. P. 4(f)(3). Doc. 12. In that
23 motion, the CFTC sought an order permitting service on Zhang via his email address.
24 *Id.*

26 4. On April 1, 2024, this Court granted the CFTC’s motion. Doc. 14.

28 5. On April 2, 2024, the Clerk issued a summons to Zhang. Doc. 18.1.

1 6. Subsequently, on April 3, 2024, the undersigned counsel for the CFTC
2 served Zhang with the summons and complaint at his email address. Doc. 19.

3
4 7. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), Zhang's answer or other
5 responsive pleading was due within 21 days after being served with the summons and
6 complaint. In other words, Zhang's answer or other responsive pleading was due on
7 or before April 24, 2024.

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9 8. To date, Zhang has failed to answer or otherwise respond to the CFTC's
10 complaint.

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12 9. Pursuant to Fed. R. Civ. P. 55(a), the Clerk of this Court must enter
13 default against a party against whom a judgment for affirmative relief is sought when
14 that party has failed to plead or otherwise defend and that failure is shown by affidavit
15 or otherwise.

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17 10. This Court's docket shows that Zhang has failed to plead or otherwise
18 defend against the CFTC's complaint.

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20 WHEREFORE, Pursuant to Fed. R. Civ. P. 55(a), the CFTC requests a Clerk's
21 entry of default against Relief Defendant Zhāng Chéng Yáng. A proposed order is
22 submitted with this motion.
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1 Dated: May 14, 2024
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4 Respectfully submitted,

5 *Jennifer J. Chapin*

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